

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLYDE McKNIGHT,

Defendant.

CR18-16 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Having reviewed the declaration of Gilbert H. Levy, docket no. 506, and the declaration of S. Kate Vaughan, docket no. 507, concerning the cell phone belonging to Confidential Source 1 (“CS-1”), the Court ORDERS that the Government is not required to produce CS-1’s cell phone number to the defense, but the Government shall attempt to obtain location data relating to such cell phone for the period of September 19-20, 2017. If location data is unavailable, the Government shall provide to defense counsel written proof from the service provider of such unavailability. If location data is available, the Government shall show cause, by filing an appropriate brief and/or declaration, why such information should not be disclosed to defendant.

(2) Within seven (7) days of the date of this Minute Order, the Government shall show cause why it should not be required to disclose the following items: (a) any text messages between CS-1 and members of the task force involved in this investigation; and (b) any drafts of the affidavits submitted in connection with warrant applications in this matter by United States Drug Enforcement Administration Special Agent Kevin Palermo. If no such text messages and/or drafts exist, the Government shall file a declaration indicating that it has performed a thorough search and found no such items.

1 (3) Within seven (7) days of the date of this Minute Order, defense counsel
2 shall indicate whether he can arrange for defendant to view the pole camera video at issue
3 via a web-based platform, which would be compatible with the pandemic protocols in
place at the Federal Detention Center in SeaTac, for example, through screen-sharing on
WebEx or Zoom.

4 (4) The Court SETS a telephonic conference with counsel for July 21, 2020, at
5 10:00 a.m., to discuss the issues identified in Paragraphs 2 and 3, above, as well as the
6 remaining discovery disputes identified in counsel's declaration dated July 1, 2020,
7 docket no. 506, namely (a) disclosure of any reports concerning investigations conducted
8 by Detective Simon Edison on September 19 and 20, 2017, and (b) compelling a search
9 of the Combined DNA Index System with respect to samples recovered from the firearms
at issue. Counsel will be provided conference call instructions via email. Defendant's
presence is not required, and no arrangements will be made for his participation.

8 (5) The Clerk is directed to send a copy of this Minute Order to all counsel of
9 record.

10 Dated this 7th day of July, 2020.

11 William M. McCool
12 Clerk

13 s/Karen Dews
14 Deputy Clerk